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November 14, 2013

Delivered by Email and Courier

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
26th Floor, Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. (“EGD”) Application for Leave to Construct – Greater Toronto Area (“GTA”) Project
Union Gas Limited Application for Leave to Construct – Parkway West and Brantford-Kirkwall/Parkway D Projects
Board File Nos. EB-2012-0451/EB-2012-0433/EB-2013-0074**

We are counsel to Metrolinx in the above-captioned matter. Please find attached Metrolinx’s Final Submissions in this matter.

Should you have any questions or require further information in this regard, please do not hesitate to contact me.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Per:

Original signed by James C. Sidlofsky

James C. Sidlofsky

cc: Mary Martin, Metrolinx
Shari Lynn Spratt (EGD)
Scott Stoll (Aird & Berlis LLP)
Mary Jane Patrick (Union)
Karen Hockin (Union)
Crawford Smith (Torys LLP)

TOR01: 5297850: v1

EB-2012-0451
EB-2012-0433
EB-2013-0074

IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for: an order or orders granting leave to construct a natural gas pipeline and ancillary facilities in the Town of Milton, City of Markham, Town of Richmond Hill, City of Brampton, City of Toronto, City of Vaughan and the Region of Halton, the Region of Peel and the Region of York; and an order or orders approving the methodology to establish a rate for transportation services for TransCanada Pipelines Limited;

AND IN THE MATTER OF an application by Union Gas Limited for: an Order or Orders for pre-approval of recovery of the cost consequences of all facilities associated with the development of the proposed Parkway West site; an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities in the Town of Milton; an Order or Orders for pre-approval of recovery of the cost consequences of all facilities associated with the development of the proposed Brantford-Kirkwall/Parkway D Compressor Station project; an Order or Orders for pre-approval of the cost consequences of two long term short haul transportation contracts; and an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities in the City of Cambridge and City of Hamilton.

WRITTEN SUBMISSION OF METROLINX

DELIVERED NOVEMBER 14, 2013

Introduction:

1. Enbridge Gas Distribution Inc. (“Enbridge”) has filed an application with the Ontario Energy Board under sections 90 and 91 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) for an order or orders granting leave to construct a natural gas pipeline and ancillary facilities in the Town of Milton, City of Markham, Town of Richmond Hill, City of Brampton, City of Toronto, City of Vaughan and the Region of Halton, the Region of Peel and the Region of York.
2. Metrolinx, a provincial agency and non-share capital corporation formerly known as the Greater Toronto Transportation Authority, provides public transit services across the Greater Toronto Area (the “GTA”). These services include GO Transit rail and bus services. Among other assets, Metrolinx owns a number of rail

corridors in the GTA.

3. Enbridge's proposed pipeline would cross Metrolinx rail corridors. Metrolinx is among the authorities from which Enbridge asserts that it will require permits (Enbridge refers to a Works Permit, a Crossing Agreement and Various Crossings in Exhibit D, Tab 1, Schedule 3 to the Application).
4. Metrolinx sought, and was granted intervenor status in this proceeding. Metrolinx participated in the interrogatory process, focusing its questions on the issues related to landowner matters (Issues B.2 and C.2 in the Union proceeding, and Issue D.2 in the Enbridge proceeding). As Union has confirmed in its responses to Metrolinx interrogatories that Union is not proposing any crossings or construction parallel to any GO Transit/Metrolinx rail lines or other facilities, the following comments pertain to the proposed Enbridge pipeline.
5. Enbridge suggests that Metrolinx was among the most active landowner participants in these proceedings.¹ Enbridge submitted that "Metrolinx participated in these proceedings and asked questions at the Technical Conference, but Enbridge is not aware of any outstanding issues in these proceedings involving Metrolinx."²
6. Metrolinx is not in a position to comment on its activity in this proceeding in comparison to that of other landowners. Metrolinx does, however, wish to clarify one matter mentioned by Enbridge in its submission. Metrolinx was represented at Day 2 of the Technical Conference held on June 13, 2013, as its counsel was present, but Metrolinx did not ask questions. Metrolinx's counsel also acts as counsel to the Regional Municipality of York, and questions asked of Enbridge by Metrolinx's counsel in the Technical Conference were asked on behalf of the Regional Municipality of York.

¹ Enbridge Argument in Chief, October 21, 2013, Appendix D, p.3, lines 6-7

² *Ibid.*, lines 11-13

7. Metrolinx's role in these proceedings was limited to the landowner issues. More particularly, Metrolinx is, and remains concerned about temporary and permanent impacts of the construction and operation of the proposed pipeline on existing and planned GO Transit facilities. In the interrogatory phases (both with respect to the original prefiled evidence and with respect to Enbridge's July 2013 update in which Enbridge proposed to lengthen Segment A of its proposed pipeline by reinstating the original route at the western end of the line and adding a 1.5 km route extension to southwest of the Derry Road and Highway 407 intersection in the Town of Milton in order to meet the proposed Union Gas Parkway West Station site at its revised location), Metrolinx sought descriptions of the anticipated impacts including, without limitation, all anticipated disruption in train travel and reductions in access to and use of parking facilities. Facilities that were the subject of the interrogatories included, without limitation, GO train lines, Park and Ride lots and current and future GO stations. Metrolinx also sought information on how Enbridge would address any impacts on GO Transit/Metrolinx facilities, and requested all available detailed engineering plans, construction plans with laydown areas, and planned depths of pipe in the vicinity of GO Transit facilities, including stations, Park and Ride lots and track crossings.
8. In its responses to Metrolinx interrogatories, Enbridge made a number of assertions:
 - There may be increased traffic in the vicinity of two GO stations due to the movement of materials and equipment to and from the construction worksite, but Enbridge will coordinate these activities with GO Transit/Metrolinx to minimize impacts during construction at those locations during peak periods. Enbridge is anticipating no permanent impacts once the pipeline is constructed; and
 - Enbridge also asserts that "the preferred route's proposed alignment has no anticipated temporary or permanent impacts on the remaining GO

Transit/Metrolinx's facilities, either as a result of the construction or subsequent operation of the pipeline; and

- During the detailed engineering design stage of the pipeline, Enbridge will work collaboratively with GO Transit/Metrolinx to mitigate potential impacts to GO Transit/Metrolinx Facilities and Infrastructures by obtaining the required clearances to allow for the proposed future expansion of the transit system and facilities around the pipeline.”³
9. Metrolinx acknowledges these assertions. However, as Enbridge has acknowledged, there are no detailed engineering or construction plans for the proposed pipeline at this time. Enbridge has indicated that when those drawings are created, “the plans will be provided to GO Transit/Metrolinx for review and comment. These plans will include proposed construction and staging requirements of the pipeline.”⁴
10. Metrolinx is not objecting to the general routing of the proposed pipeline. However, should the Board approve the Application, Metrolinx expects that Enbridge will continue to discuss the project with it; provide the detailed engineering and construction plans for the proposed pipeline; avoid impacts to existing and planned GO Transit/Metrolinx facilities; and obtain the necessary permits and/or enter into the crossing agreements required by Metrolinx.

RESPECTFULLY SUBMITTED THIS 14TH DAY OF NOVEMBER, 2013

BORDEN LADNER GERVAIS LLP

Per:

Original Signed by James C. Sidlofsky

James C. Sidlofsky
Counsel to Metrolinx

TOR01: 5388175: v2

³ See Enbridge's responses to Metrolinx Interrogatories D2 – Metrolinx 6(b) and D2 – Metrolinx 9(a) and (b).

⁴ See Enbridge's responses to Metrolinx Interrogatories D2 – Metrolinx 6(d) and D2 – Metrolinx 9(d).